

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction



JUN 08 2020

AT GREENBELT
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

DEPUTY

UNITED STATES DISTRICT COURT

for the

District of Maryland

Civil Division

CCB 20 CV 1516

Case No.

(to be filled in by the Clerk's Office)

Ryne M. Seeto

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Barbara M. Barrett

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Ryne M. Seeto
Street Address	12004 Ishtar St
City and County	Fort Washington, Prince Georges County
State and Zip Code	Maryland, 20744
Telephone Number	571-290-8089
E-mail Address	ryne.seeto@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	Barbara M. Barrett
Job or Title (<i>if known</i>)	Secretary of the Air Force
Street Address	Main Justice Building 10 th and Constitution Ave, NW
City and County	Washington
State and Zip Code	District of Columbia, 20530
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 2

Name	
Job or Title (<i>if known</i>)	U.S. Attorney for the District of Maryland
Street Address	26 S. Charles Street, 4th Floor
City and County	Baltimore
State and Zip Code	Maryland, 21201
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 4

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	

E-mail Address (if known) _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

5th Amendment to the United States Constitution, Due Process Clause
5 U.S. Code § 702 Judicial Review

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) _____, is a citizen of the
State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
under the laws of the State of (name) _____,
and has its principal place of business in the State of (name)
_____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of

the State of *(name)* _____ . Or is a citizen of
(foreign nation) _____ .

b. If the defendant is a corporation

The defendant, *(name)* _____ , is incorporated under
the laws of the State of *(name)* _____ , and has its
principal place of business in the State of *(name)* _____ .
Or is incorporated under the laws of *(foreign nation)* _____ ,
and has its principal place of business in *(name)* _____ .

*(If more than one defendant is named in the complaint, attach an additional page providing the
same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at
stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the
facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant
was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights,
including the dates and places of that involvement or conduct. If more than one claim is asserted, number each
claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if
needed.

A. Where did the events giving rise to your claim(s) occur?

Robins Air Force Base, Georgia and The Pentagon, Virginia.

B. What date and approximate time did the events giving rise to your claim(s) occur?

other person by force or threat of force, or without the knowledge or consent of the person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of the other person to appraise or control conduct.”

d. It did not. Criteria met.

3.3.3.3.1.5: “The [serious misconduct] was not the result of an abuse of rank, grade, authority or position.”

e. It was not. Criteria met.

3.3.3.3.1.6: “Under the particular circumstances of the case, the officer's continued presence in the Air Force is consistent with the interest of the Air Force in maintaining proper discipline, good order, leadership and morale. Officers have special responsibilities by virtue of their status; fulfill an integral role in maintaining discipline; and, therefore, must exhibit high standards of personal integrity, loyalty, dedication, devotion to duty and leadership.”

f. Under the particular circumstances of the case, my continued presence in the Air Force is consistent with the interest of the Air Force maintaining proper discipline, good order, leadership and morale. Despite the five years of prejudice, abuse of authority, and negligence that I endured, I have continued to demonstrate integrity, loyalty, dedication, devotion to duty and leadership. Taking further improper action against me, making a decision to prolong this case, demonstrating selective accountability and hypocritical standards, would only further undermine proper discipline, good order, leadership and morale. Criteria met.

9. The following is an abbreviated list of transgressions that have had to be rectified over the last five years. I implore you, sir, please do not add to it.

a. This case began in December 2014 as a single misdemeanor charge in the local civilian jurisdiction. The Air Force turned this single event into five charges, two of which were military-specific. As of today, all five of the original charges have been disposed; none of the original five charges resulted in conviction.

b. I received a referral Officer Performance Report (OPR) in 2015. This OPR precluded my right to due process and specifically the presumption of innocence. Corrective actions have been pending at the Board of Corrections Military Records since 2017.

c. The Air Force failed to meet its legal obligations when it was unable to produce a complete Record of Trial and knowingly proceeded. The Air Force Court of Criminal Appeals had to reverse the original court-martial.

d. The Air Force, with blatant and disdainful disregard for the Constitution, denied me Due Process, as I served 235-days of unlawful confinement. I will never get this time back.

28 May 2020 at 1525 Eastern Daylight Time

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

On 28 May 2020 Plaintiff received a phone call from their commander, Lieutenant Colonel (Lt Col) John Schmidtke, Commander, 461st Operations Support Squadron, Robins Air Force Base, Georgia. Lt Col Schmidtke notified Plaintiff that Plaintiff would be administratively separated from the Air Force on 8 June 2020 with an Under Other Than Honorable Conditions service characterization (UOTHC) and provided the attached action (Attachment 1).

Defendant initiated discharge action under Air Force Instruction (AFI) 36-3206, Administrative Discharge Procedures for Commissioned Officers, paragraph 3.6.4 "Serious or recurring misconduct punishable by military or civilian authorities" as the basis for the UOTHC.

The Defendant claims that Plaintiff's Article 133, Uniform Code of Military Justice (UCMJ), Conduct Unbecoming an Officer and Gentleman conviction is "Serious Misconduct." However, in Plaintiff's rebuttal dated 6 November 2019 (Attachment 2), Plaintiff contended that the conduct, as specified, does not meet the AFI's definition for "Serious Misconduct" and thus rendering AFI 36-3206 paragraph 3.6.4 inapplicable to the instant case.

Page 49 of AFI 36-3206 defines "Serious Misconduct" as: "Any misconduct punishable by military or civilian authorities. This includes any misconduct that, if punished under the UCMJ, could result in confinement for 6 months or more, and any misconduct requiring specific intent for conviction under the UCMJ.

However, in accord with a Pre-Trial Agreement (Attachment 3) Plaintiff promised to tender their resignation and submit an unconditional waiver--waiving their right to contest such action under AFI 36-3206 to a board of inquiry. The unconditional waiver then allowed the Defendant to take action sans accountability and justification, which is exactly what Defendant has done. The Defendant did not and has yet to justify how Plaintiff's misconduct meets the standard for "Serious Misconduct" despite the matter being raised by the Plaintiff.

At the time Plaintiff agreed to the Pre-Trial Agreement, Plaintiff and their attorneys concluded that the misconduct specified in the Article 133, UCMJ conviction did not meet the AFI's definition for "Serious Misconduct" and therefore action could not be initiated against Plaintiff under AFI 36-3206.

Additionally, Plaintiff is appealing the Article 133, UCMJ conviction to the Air Force Court of Criminal Appeals (AFCCA). This was also raised to and ignored by the Defendant.

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

Relief is appropriate because Plaintiff has exhausted all currently available remedies made available by the Air Force. Upon discharge, Plaintiff can appeal to the Air Force Discharge Review Board (DRB) and/or the Air Force Board for the Corrections of Military Records (BCMR). However, DRB and BCMR relief will take approximately two and four years, respectively.

During these two to four years, Plaintiff will suffer irreparable injury from the stigma, hardship, and loss of benefits associated with a less than honorable discharge.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff respectfully requests that this Honorable Court grant Injunctive Relief and issue a Temporary Restraining Order precluding Defendant's execution of Plaintiff's UOTHC discharge until the completion of Article 66, UCMJ appellate review and a hearing regarding the appropriateness of AFI 36-3206 paragraph 3.6.4 as the basis for Plaintiff's discharge UOTHC.

VI. Certification and Closing

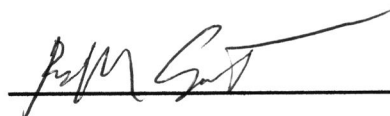
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 06/01/2020

Signature of Plaintiff



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Printed Name of Plaintiff Ryne M. Secto

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____